HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.13298 of 1998

Dated 21st day of February, 2007

Between:

Bikkina Krishna Rao .. Petitioner

And

The Government of A.P.,
rep. by its Secretary, Tribal Welfare,
Secretariat, Hyderabad
and three others .. Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the order, dated 28.1.1998 of the Agent to the Government and Collector i.e. the 2nd respondent, by which, the order dated 29.4.1986 passed by the 3rd respondent, was confirmed, as arbitrary and illegal.

The brief facts of the case are that the petitioner and one B.Janardhana Rao jointly purchased the schedule property from one Etha Venkatarajan, who is a non-tribal, under a possessory agreement in the year 1968 i.e. prior to the commencement of the Regulations 1/70 (3.2.1970), and subsequently it was registered. From the date of purchase, they have been in continuous possession and enjoyment of it. Thereafter, the Special Deputy Tahasildar filed a complaint before the 3rd respondent to declare the transaction as null and void and the 3rd respondent, without verifying the relevant records, allowed the complaint by his order dated 29.4.1986 in respect of an extent of Ac.10.59 cents out of Ac.21.19 cents of land in Mulagalampalli village. Against the order, the petitioner preferred an appeal in S.R.A.No.23/95 before the 2nd respondent- Agent to the Government and Collector, Eluru, who dismissed it confirming the orders of the 3rd respondent. Aggrieved by the order of the appellate authority, the petitioner preferred a revision before the 1st respondent on 4.4.1998 along with an application seeking suspension of the orders of the 2nd respondent, but the 1st respondent dismissed the application pending revision.

Heard the learned counsel for both the parties.

Having regard to the fact that this Court, while ordering Rule Nisi granted stay of dispossession of the petitioner, and according to the learned counsel for the petitioner, the revision is still pending, this Court deems it appropriate to direct the 1st respondent to dispose of the Revision Petition after affording an opportunity to the petitioner to put forth

his version, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order. Pending disposal of the Revision Petition, the interim stay of dispossession shall continue.

With the above direction, the writ petition is disposed of. No costs.

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21.02.2007

bcj